

SEALED

PROB. 12C
DNE 03/2004

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Petition for Warrant or Summons for Offender Under Supervision

Offender: Dennis Eastman **Docket Number:** 4:97CR03031
Type of Supervision: Supervised Release **Date of This Report:** March 30, 2011
Sentencing Judge: The Honorable Richard G. Kopf
U. S. District Judge
Offense of Conviction: Conspiracy to Distribute Methamphetamine [21 U.S.C. 846]
Date Sentenced: July 13, 1999
Sentence: 151 months, five years supervised release
Supervision Term: November 2, 2007 through November 1, 2012
Prepared By: Assistant U.S. Attorney: **Defense Attorney:**
Michelle McNamara Sara Fullerton Mark Weber
U. S. Probation Officer

PETITIONING THE COURT

The undersigned probation officer recommends that a Warrant be issued for service upon Dennis Eastman and that a hearing be held by the Court to determine whether the offender has violated the conditions of supervision as set forth in this report and to determine whether the offender's supervision should be revoked or continued, modified, and/or extended based on the alleged violations. A Warrant is requested as Dennis Eastman poses a flight risk, will likely not appear on a summons and his current whereabouts are unknown. Mr. Eastman was terminated from his employment on March 23, 2011. This officer has tried to reach the offender through his wife, his mother and his employer/past employer. The offender has not responded to this officer's texts and his phone is "not taking any calls." All attempts to contact Mr. Eastman has been unsuccessful. The adjustment report and violation work sheets do not accompany this report but will be submitted to the Court no later than April 8, 2011.

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The probation officer believes the offender has violated the following conditions of supervision:

<u>Allegation No.</u>	<u>Nature of Noncompliance</u>
1	<p>Dennis Eastman is in violation of the Mandatory Condition which states, “The defendant shall submit to such testing as requested by any United States Probation Officer to detect the presence of alcohol or controlled substances in the defendant’s body fluids and to determine whether the defendant has used any of those substances.”</p> <ul style="list-style-type: none"> • Mr. Eastman failed to report to Western Alternative Corrections for drug testing as directed on August 2, 2010. • Mr. Eastman failed to report to Western Alternative Corrections for drug testing as directed on May 10, 2010. • Mr. Eastman failed to report to Western Alternative Corrections for drug testing as directed on March 23, 2011.
2	<p>Dennis Eastman is violation of Standard Condition #7 which states, “The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.”</p> <p>In an attempted to locate Mr. Eastman, the United States Probation office contacted the offender’s employer, Industrial Services Corp., on March 24, 2011. Staff at Industrial Services Corp. informed Mr. Eastman was no longer an employee as of March 23, 2011. To date, Mr. Eastman has yet to notify the United States Probation of his change in employment as outlined in his conditions of supervision.</p>
3	<p>Dennis Eastman is in violation of Standard Condition #8 which states, “The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.”</p> <ul style="list-style-type: none"> • Mr. Eastman submitted a urine sample which tested presumptive positive for methamphetamine on September 28, 2010. During a conversation with USPO McNamara, on September 29, 2010, Mr. Eastman admitted to using methamphetamine on September 27, 2010, and September 29, 2010.

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- Mr. Eastman contacted USPO McNamara on November 23, 2009, and admitted to using marijuana on November 21, 2009.
- Mr. Eastman admitted to USPO McNamara, on July 17, 2009, that he consumed alcohol on July 10, 2009. During this same conversation, he also admitted to using marijuana and methamphetamine in the week prior to July 17, 2009.

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Dennis Eastman is in violation of **Standard Condition #10** which states, "The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer."

On July 17, 2009, Dennis Eastman admitted to associating with Michael Clauff, an offender who was on federal supervision, on July 10, 2009, at a bar in Grand Island, Nebraska.

On February 10, 2011, Mr. Eastman admitted to having contact with Michael Clauff with the past month. Mr. Eastman has been instructed by USPO McNamara in the past to discontinue his contact with Michael Clauff.

Assistant U.S. Attorney Sara Fullerton has been notified of this action.

I declare under penalty of perjury that the forgoing is true and correct.

Respectfully submitted,



Michelle McNamara
U. S. Probation Officer

Reviewed by,



David E. Goering,
Supervising U. S. Probation Officer

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THE COURT ORDERS THAT:

No action shall be taken.

 A Warrant shall be issued for service upon Dennis Eastman and a hearing held by the Court to determine whether Dennis Eastman has violated the conditions of supervision as set out in the foregoing report and to determine whether the term of supervision should be revoked, continued, modified, and/or extended based on the alleged violations.

The U. S. Probation Officer shall summons Dennis Eastman to appear for a hearing in court to determine whether Dennis Eastman has violated the conditions of supervision as set out in the foregoing report and to determine whether the term of supervision should be revoked, continued, modified, and/or extended based on the alleged violations.

The following action to be taken (specify other action):

s/ Richard G. Kopf

The Honorable Richard G. Kopf
U. S. District Judge

March 30, 2011

Date

* * * NOTICE TO OFFENDER * * *

Pursuant to the Federal Rules of Criminal Procedure 32.1(b)(2) you are entitled to:

- (A) written notice of the alleged violation(s);
- (B) disclosure of the evidence against you;
- (C) an opportunity to appear, present evidence, and question adverse witnesses unless the court determines that the interest of justice does not require the witness to appear;
- (D) notice of your right to retain counsel or to request that counsel be appointed if you cannot obtain counsel.